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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,297	10/22/2003	Geary G. Parke	107725/00006	2242

7590 07/25/2008
Miller, Canfield, Paddock and Stone P.L.C.
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Detroit, MI 48226

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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07/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,297	Applicant(s) PARKE, GEARY G.	
	Examiner Matthew O. Savage	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 1-6, 10-16, and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's election of group II, and the species including sand in the first trap and phosphate in the second and third traps in the reply filed on 4-14-08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casolo in view of the sales brochure from the Anthracite Filter Media Company titled "Granular Bone Char" and Berardi.

With respect to claim 7, Casolo discloses an adsorption apparatus for treatment of wastewater including an inlet for the wastewater (see FIG. 1) connected to a metals trap 44 which adsorbs metals; a first trap 12 which filters solids from the wastewater of greater than a predetermined size that includes sand; a second trap 24 which adsorbs metals from the wastewater is positioned between the inlet and the metals trap, a first chamber which contains the first trap positioned between the inlet and a second chamber containing the second trap, and a third chamber containing the metals trap, wherein a flow travels from the inlet to the metals trap. Casolo fails to specify the second trap as including a phosphate. The sales brochure "Granular Bone Char"

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teaches that phosphate in the form of bone char is capable of removing heavy metals from water. It would have been obvious to have modified the apparatus of Casolo so as to have included a phosphate in the second trap as suggested by the sales brochure in order to provide an alternate filter media capable of removing heavy metals from the water. Casolo and the sales brochure fail to specify each chamber as being separated from the other chambers by a valve. Berardi discloses a filter chamber having valves disposed on the inlet and outlet and suggests that such an arrangement enables backwashing of the filter. It would have been obvious to have modified the combination suggested by Cosolo and the sales brochure so as to have included filter housings connected in series and separated by at least one valve in order to enable isolation and backwashing of each of the filters.

As to claim 8, Berardi discloses a plurality of valves 38, 80 on each chamber such that each chamber would be separated from the other chambers by at least one valve, a drain 44 on each chamber, the chambers being isolated from the flow of wastewater and the corresponding drain being opened permitting flow to a drain during a diagnostic/service mode. Berardi fails to specify a controller, however, using an automatic means to replace a manual activity to accomplish the same result is not sufficient to distinguish over the prior art (see *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)).

As to claim 9, the sales brochure discloses a phosphate in the form of bone char having a particle size of 4-34 mesh.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication can be directed to Matthew Savage whose telephone number is (571) 272-1146. The examiner can normally be reached Monday-Friday from 9:00 am - 5:30 pm.

/Matthew O. Savage/
Primary Examiner
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